

113TH CONGRESS  
1ST SESSION

# S. 935

To amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from requesting additional medical examinations of veterans who have submitted sufficient medical evidence provided by non-Department medical professionals and to improve the efficiency of processing certain claims for disability compensation by veterans, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 13, 2013

Mr. FRANKEN introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from requesting additional medical examinations of veterans who have submitted sufficient medical evidence provided by non-Department medical professionals and to improve the efficiency of processing certain claims for disability compensation by veterans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Quicker Veterans Ben-  
5 efits Delivery Act of 2013”.

1 **SEC. 2. TREATMENT OF MEDICAL EVIDENCE PROVIDED BY**  
2 **NON-DEPARTMENT OF VETERANS AFFAIRS**  
3 **MEDICAL PROFESSIONALS IN SUPPORT OF**  
4 **CLAIMS DISABILITY COMPENSATION.**

5 (a) IN GENERAL.—Section 5103A(d) of title 38,  
6 United States Code, is amended by adding at the end the  
7 following new paragraph:

8 “(3) During the six-year period beginning on the date  
9 of the enactment of the Quicker Veterans Benefits Deliv-  
10 ery Act of 2013, the Secretary may not request a medical  
11 examination under paragraph (1) in the case of a claim  
12 for disability compensation in support of which a claimant  
13 submits medical evidence provided by a non-Department  
14 medical professional, including a non-Department medical  
15 opinion, that is competent, credible, probative, and other-  
16 wise adequate for purposes of making a decision on the  
17 claim.”.

18 (b) EFFECTIVE DATE.—The amendment made by  
19 subsection (a) shall apply with respect to medical evidence  
20 submitted after the date that is 90 days after the date  
21 of the enactment of this Act.

22 **SEC. 3. IMPROVEMENT OF DISABILITY CLAIMS PROC-**  
23 **ESSING.**

24 (a) PRESTABILIZATION RATES.—Section 1156 of  
25 title 38, United States Code, is amended—

1           (1) by redesignating subsections (c) and (d) as  
2           subsections (e) and (f), respectively; and

3           (2) by inserting after subsection (b) the fol-  
4           lowing new subsection (c):

5           “(c) PRESTABILIZATION RATES.—During the six-  
6           year period beginning on the date of the enactment of the  
7           Quicker Veterans Benefits Delivery Act of 2013, in assign-  
8           ing to a veteran a prestabilization rating pursuant to sec-  
9           tion 4.28 of title 38, Code of Federal Regulations, or suc-  
10          cessor regulation, the Secretary shall assign such a rating  
11          at the level of total, 50 percent, or 30 percent, as deter-  
12          mined appropriate by the Secretary.”.

13          (b) TEMPORARY MINIMUM RATES.—Section 1156 of  
14          title 38, United States Code, is further amended by insert-  
15          ing after subsection (c), as added by subsection (a), the  
16          following new subsection (d):

17          “(d) TEMPORARY MINIMUM RATES.—During the six-  
18          year period beginning on the date of the enactment of the  
19          Quicker Veterans Benefits Delivery Act of 2013, the Sec-  
20          retary shall assign a temporary minimum disability rating  
21          to a veteran who—

22                  “(1) has one or more disabilities not covered  
23                  under subsection (a); and

1           “(2) submits a claim for such disability that  
2           has sufficient evidence to support a minimum dis-  
3           ability rating.”.

4           (c) **REPORTING OF CLAIMS BACKLOG.**—During the  
5 six-year period beginning on the date of the enactment of  
6 this Act, the Secretary of Veterans Affairs shall not in-  
7 clude any veteran to whom the Secretary has assigned a  
8 pre-stabilization rating under subsection (c) of section  
9 1156 of such title, as added by subsection (a), or a tem-  
10 porary minimum disability rating under subsection (d) of  
11 such section, as added by subsection (b), in any count of  
12 the backlog of disability ratings to be assigned by the Sec-  
13 retary.

14           (d) **EFFECTIVE DATE.**—The amendments made by  
15 this section shall take effect on the date that is 90 days  
16 after the date of the enactment of this Act and shall apply  
17 with respect to claims for disability compensation filed on  
18 or after that date.

19 **SEC. 4. TIMING OF MONTHLY PAYMENTS OF BENEFITS**  
20 **UNDER THE LAWS ADMINISTERED BY THE**  
21 **SECRETARY OF VETERANS AFFAIRS.**

22           (a) **IN GENERAL.**—Section 5120(e) of title 38,  
23 United States Code, is amended—

24                   (1) by striking “Whenever” and inserting “(1)  
25           Whenever”; and

1           (2) by adding at the end the following new  
2 paragraph:

3           “(2) During the six-year period beginning on the date  
4 of the enactment of the Quicker Veterans Benefits Deliv-  
5 ery Act of 2013, the Secretary may certify benefit pay-  
6 ments for any calendar month in such a way that such  
7 payments will be delivered by mail, or transmitted for  
8 credit to the payee’s account pursuant to subsection (d)  
9 of this section, before the first day of the calendar month  
10 for which such payments are issued.”.

11           (b) **EFFECTIVE DATE.**—The amendments made by  
12 subsection (a) shall apply with respect to a calendar month  
13 that begins after the date that is 90 days after the date  
14 of the enactment of this Act.

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